



Terry Tamminen
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>



Arnold Schwarzenegger
Governor

James A. Noyes, Director
Los Angeles County Department of Public Works
900 S. Fremont Avenue
Alhambra, CA 91803

CONDITIONAL CERTIFICATION FOR PROPOSED SAN GABRIEL RESERVOIR DRY EXCAVATION CLEANOUT PROJECT (Corps' Project No. 94-00852-AOA), SAN GABRIEL RIVER & RESERVOIR, ANGELES NATIONAL FOREST, LOS ANGELES COUNTY (File No. 02-197)

Dear Mr. Noyes:

Regional Board staff has reviewed your request on behalf of the Los Angeles County Department of Public Works (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 22, 2003.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

[Original signed by]
Dennis A. Dickerson
Executive Officer

[December 29, 2003]
Date

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

Reza Izadi
Los Angeles County Department of Public Works
900 S. Fremont Avenue
Alhambra, CA 91803

Maurice Cardenas
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Jesse Bennett
U.S. Fish and Wildlife Services
Department of Interior
6010 Hidden Valley Road
Carlsbad, CA 92009

Betty Courtney
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Martin Dumpis
U.S. Forest Service
110 N. Wabash Ave.
Glendora, CA 91740

Aaron Allen
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Steven John
U.S. Environmental Protection Agency
c/o U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Tim Vendlinski
Supervisor, Wetlands Regulatory Office (WTR-8)
US EPA, Region 9
75 Hawthorne
San Francisco, CA 94105

Ken Berg
U.S. Fish and Wildlife Service
2730 Loker Avenue West
Carlsbad, CA 92008

ATTACHMENT A

Project Information File No. 02-197

1. Applicant: James A. Noyes
Los Angeles County Department of Public Works
900 S. Fremont Avenue
Alhambra, CA 91803

Phone: (626) 458-6100 Fax: (626) 979-5436
2. Applicant's Agent: Reza Izadi
3. Project Name: San Gabriel Reservoir Dry Excavation Cleanouts
4. Project Location: Angeles National Forest, Los Angeles County

Longitude: W 117° 51.5'
Latitude: N 34° 12.4'
5. Type of Project: Reservoir Sediment Removal
6. Project Description: *Background:*
In 1998, Public Works obtained Waste Discharge Requirements (WDRs) for routine cleanouts of the Cogswell, San Gabriel, and Morris Reservoirs, which included sluicing in order to remove sediments from the reservoirs. The mitigation measures proposed for these impacts included 86-acres of exotic weed removal.

Public Works contracted the U.S. Forest Service to perform the exotic weed removal services in 1998. The on-going exotic weed removal is performed in the San Gabriel, San Dimas and Eaton Canyon watersheds. Quarterly monitoring reports are forwarded to all regulatory agencies to monitor the success of the program.

Since 1998, sediment removal within these reservoirs has not been possible. Based on comments from the current SEIR and other factors, the County has eliminated sluicing as an option for the San Gabriel Reservoir and is obtaining a 401 Water Quality Certification for sediment removal activities within this reservoir.

ATTACHMENT A

Project Information File No. 02-197

Purpose:

The Los Angeles County Board of Supervisors certified the Environmental Impact Report (CEIR) for the San Gabriel Canyon Sediment Management Plan (SMP) in June of 1998. The SMP provides details for routine sediment management regimes at the three dam and reservoir facilities in San Gabriel Canyon. The average annual sediment inflow into San Gabriel Reservoir under normal conditions is approximately 1.1 million cubic yards (MCY).

The purpose of the routine sediment removal regimes is to provide flood protection for San Gabriel Valley residents and increase the volume of water conserved for groundwater recharge. No routine cleanout has been performed since the San Gabriel Reservoir was sluiced in 1992.

The Curve and Williams Fires of August - October 2002 burned over 58,000 acres, primarily in the Angeles National Forest. The two fires burned over 30 percent of the watershed tributary to San Gabriel Dam and Reservoir. The burned watershed has deposited significant amounts of sediment in San Gabriel Reservoir. The reservoir capacity for sediment is 86 MCY, assuming the reservoir is filled to the crest with sediment. The current capacity lost to sediment is estimated to be 16 – 20 MCY, or 20% of the reservoir capacity.

Insufficient rainfall since 1999 has prevented routine sediment sluicing to cleanout San Gabriel Reservoir in accordance with the CEIR. Sediment deposition has exceeded the 3.2 MCY limit, which triggers a major cleanout. Sediment must be removed to meet flood control requirements determined by the U.S. Army Corps of Engineers Los Angeles Drainage Area (LACDA) Study. In order to provide adequate flood protection, Public Works proposes to remove 5 – 12 MCY of sediment within the next five years. The amount of sediment removed depends on sediment deposition during the removal period.

Description:

The removal methods are limited to trucking or conveyor to Burro Canyon Sediment Placement Site (SPS).

ATTACHMENT A

Project Information File No. 02-197

Factors influenced the removal, transport, and deposition alternatives employed by Public Works to remove deposited sediment during watershed recovery. The major additional factors are available funding and the ability to obtain permits.

The funding available for the Public Works sediment removal project at San Gabriel Reservoir is an important consideration in choosing cleanout alternatives. Public Works must comply with other environmental mandates within the County. It is also possible that other emergency events may occur in the County during the sediment removal period.

Allocations of funds will influence sediment removal alternatives since some alternatives are less expensive than others. The estimated cost for removal of 5 MCY of sediment from San Gabriel Reservoir is 50-60 million dollars.

Trucking will be used instead of, or in addition to, conveying sediment under certain circumstances. The circumstances include not being able to acquire permits for the use of a conveyor system or permit conditions which render use of a conveyor system infeasible or inadequate to remove the required volume of sediment. The design and construction of the conveyor belt system requires a significant amount of time.

Therefore, if the use of a conveyor system is pursued, trucking may be employed in the interim during the design and construction of the conveyor belt system.

All sediment removed from the San Gabriel Reservoir cleanout will be placed with Burro Canyon Sediment Placement Site (SPS). This site is designated within the U.S. Forest Plan and has been used in the past for sediment placement. Burro Canyon SPS was 100% impacted by the Williams and Curve Fires. The USFS is issuing a Special Use Permit to allow the placement of sediment from the San Gabriel cleanout and a separate permit for the reconstruction and maintenance of the access road.

The trucking option will include the construction of a ramp from the reservoir basin to the entrance of Burro Canyon SPS. This will impact upland/disturbed areas along the ridge following the East

ATTACHMENT A

Project Information File No. 02-197

Fork Road from the reservoir bottom (similar to the conveyor belt alignment used in the past). The access road in Burro Canyon will need to be widened to accommodate two-way truck traffic. This corresponds to 1.5 acres of riparian impact of an intermittent stream that runs along side the road and will allow the road to be widen varying amounts (upto 15') along its alignment.

Phase 1:

Phase 1 of the sediment removal project requires drawing the reservoir down to minimum pool and removing all deposited sediment above elevation 1325'. The reservoir will be drawn down using the valves in the outlet tower.

Phase 2:

Phase 2 of the sediment removal project requires drawing the reservoir down to minimum pool and removing sediment deposited above elevation 1290'. The reservoir will be drawn down using the values in the outlet tower.

Phase 3:

Phase 3 of the sediment removal project requires draining the reservoir completely and removing sediment deposited in the portion of the reservoir normally covered by the minimum pool. In order to completely drain the reservoir, the sluice gate must be opened at Brown's Gulch. This temporary release will cause impacts to 3.0 acres of stream and riparian areas upstream of the inlet of Morris Reservoir within Browns Gulch.

San Gabriel Reservoir will be drawn down as much as possible utilizing the outlet tower, however the remaining volume of water must be release via the sluice gate. An initial impact of high turbidity is expected once the sluice gate is opened, however the remaining volume is anticipated to be completed within 72 hours. Following this release, construction BMPs will then be able to be placed within the stream and reservoir to minimize the turbidity of recession flows exiting San Gabriel Reservoir into Morris Reservoir. At the time of the sluice gate opening Morris Reservoir is anticipated to be full and turbidity impacts will be minimized. Upon completion of the project, the stream and riparian areas impacted will be restored as conditions of this certification as well as California Department of Fish and Game requirements.

ATTACHMENT A

Project Information File No. 02-197

There are two events which would trigger Phase 3 of the sediment removal project at San Gabriel Reservoir. These events are described below:

A – Event A is the successful completion of Phase 1 and 2 of the sediment removal project. When the contractor finishes removing all sediment above the minimum pool footprint, the fish will be removed from the reservoir and the reservoir will be completely drawn down. The contractor will remove as much sediment as possible during the remaining time of the contract and permits.

B – Event B is initiated if the outlet tower is jeopardized, or upon successful completion of Event A. Sediment deposition to an elevation of 1300 feet at the outlet tower would require immediate removal in order to protect the dam outlet structure. Sediment levels will be monitored at the outlet tower. If sediment reaches the 1300 foot level, the reservoir will be drawn down and the sediment threatening the outlet tower will be removed.

- | | |
|--|--|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
Individual Permit (Permit No. 94-00852-AOA) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement (Notification No. R5-2002-0434) |
| 9. California Environmental Quality Act (CEQA) Compliance: | The Los Angeles County Department of Public Works certified the Supplemental Environmental Impact Report for the proposed project on October 21, 2003. |
| 10. Receiving Water: | San Gabriel Reservoir (Hydrologic Unit No. 405.43) |
| 11. Designated Beneficial Uses: | MUN, GWR, REC-1, REC-2, WARM, WILD, WET |

ATTACHMENT A

Project Information File No. 02-197

12. Impacted Waters of the United States:
- SAN GABRIEL RESERVOIR BASIN
Non-wetland waters (unvegetated earthen basin): 131.0 temporary acres
- BROWN'S GULCH
Non-wetland waters (vegetated streambed): 3.0 temporary acres
- ROAD WIDENING
Non-wetland waters (vegetated streambed): 1.5 temporary acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant:
- The Applicant is proposing to clean out this reservoir during the next five storm seasons until the watershed has had opportunity to recover. Due to the recent fires, the watershed will take time to recover as the hillside vegetation grows and erosion begins to subside.
15. Avoidance/Minimization Activities:
- The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The County will immediately cleanup any spills that do occur, and immediately notify appropriate agencies;
 - The County will relocate fish within San Gabriel Reservoir prior to full draining of San Gabriel Reservoir for Phase II;
 - The County will relocated sensitive species, including the southwestern pond turtle and two-striped garter snake, downstream of San Gabriel Reservoir prior to full draining of San Gabriel Reservoir for Phase II;
 - The County will complete (i) baseline studies prior to any sediment removal activities and annual habitat assessments thereafter, and (ii) water quality monitoring upstream and downstream prior to and following sediment removal activities;

ATTACHMENT A

Project Information File No. 02-197

- The County will maintain records of the amount of sediment removed;
- Work sites will be clearly flagged or staked to avoid potential impacts to adjacent natural habitats or sensitive areas;
- Staging/Storage areas for equipment and materials will be located outside of all waters; and
- All inflows of surface water shall be redirected whenever possible away from areas undergoing excavation.

16. Proposed Compensatory Mitigation:

A portion of the existing 86-acre exotic removal Mitigation Bank initiated in 1998 for the routine cleanouts will be utilized to provide compensatory mitigation for the impacts associated with the proposed project. Public Works has contracted the U.S. Forest Service to perform the exotic weed removal services. The on-going exotic weed removal is performed in the San Gabriel, San Dimas and Big Dalton watersheds.

The Regional Board will require a mitigation ratio of 2:1 for the impacts associated with Brown's Gulch (3.0 acres) and the road widening area (1.5 acres). The total compensatory mitigation to be utilized from the Mitigation Bank will consist of 9.0 acres.

In addition, restoration of the access ramp area and road widening impacted areas will be completed per the California Department of Fish and Game's 1601 Streambed Alteration Agreement for this project.

ATTACHMENT B

Conditions of Certification File No. 02-197

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

ATTACHMENT B

Conditions of Certification File No. 02-197

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
5. The Applicant shall not conduct any excavation activities within waters of the United States during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
6. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
7. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
8. The discharge shall not permanently: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
9. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
10. No excavation activities shall take place in any area where there is potential for any rare, threatened, or endangered species prior to completion of a formal or informal consultation with the responsible wildlife agencies. Upon completion of the consultation with the U.S. Fish and Wildlife Service, or other appropriate agencies, the Applicant shall submit a copy of the consultation results to this Regional Board. Any conditions required by the approving agency for the protection of any protected species shall be incorporated into this certification.

ATTACHMENT B

Conditions of Certification File No. 02-197

11. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during the road widening clearing activities and when the sluice gate is first opened. The biologist shall be available to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
12. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
13. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity that may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Temporary turbidity impacts are anticipated when the sluice gate is first opened, however no permanent impacts shall result. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
14. Baseline storm and summer water quality values must be collected to determine relative burned watershed conditions to anticipate expected turbidity values. Starting in January 2004, weekly turbidity values must be collected at all stations for the first year in which sediment removal is taking place. These values will be used to determine what turbidity values can be allowed during dewatering and cleanout activities.

ATTACHMENT B

Conditions of Certification File No. 02-197

15. The biological monitoring component shall include a survey of the benthic macroinvertebrate communities inhabiting riffle areas in perennial streams within the project area at the identified stations. At a minimum biological monitoring shall be implemented quarterly at all sites to assess seasonal differences.
16. The Applicant shall restore all areas of temporary disturbance that could result in a discharge or a threatened discharge to waters of the state. The Applicant shall implement all appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
17. Mitigation shall be the last resort after detailed avoidance minimization determinations have been thoroughly documented. Mitigation shall be maintained in perpetuity, use primarily native plants, not receive any credit as water treatment system, and be capable of ensuring a “no net loss” of riparian functions and values within 5 years. Adequate contingency measures (including a set aside cash bond) shall be submitted for Regional Board approval. All compensatory mitigation associated with this project shall maintain compliance with the U.S. Army Corps of Engineers Regulatory Guidance letter No. 02-2 dated December 24, 2002.
18. The Applicant shall submit to the Regional Board an Excavation Plan (Cut Plan) for approval prior to excavation activities taking place. The Excavation Plan shall include information regarding the location of the anticipated excavation boundaries for each year. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of each project area. Additionally, the Applicant shall submit a site description, including length and width of the area where excavation shall take place, and pre and post-excavation photographs.
19. The project proponent shall submit an **Annual Report** by **May 1** each year. The report shall describe in detail all activities actually performed during the previous year. This report shall include as a minimum, the following documentation:
 - (a) Representative photo documentation of the pre- and post-project conditions;
 - (b) The overall status of project including a detailed schedule of work;
 - (c) Water quality monitoring results compiled in tabular and graphical format;
 - (d) A certified statement of “no net loss” of riparian function associated with this project;
and

ATTACHMENT B

Conditions of Certification File No. 02-197

- (e) A certified statement from the permittee or his/her representative that all conditions of this certification have been met.
20. If interest in the project is demonstrated, then Board will request in writing that an annual presentation is conducted. The project proponent shall conduct an Annual Presentation to the LARWQCB staff and other interested parties. The annual presentation shall describe all activities performed by the proponent during this and other excavation projects and any additional measures to inform and address the public's concerns about these activities.
21. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **May 1st** of each year documenting all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative pre and post photographs from designated stations shall be included in the reports. The reports shall be submitted by May 1st of each year for a minimum period of five (5) years after planting or until mitigation success, as stated in the Final EIR, has been achieved.
22. The Applicant shall file with the Regional Board (Attention: 401 Water Quality Certification Staff) technical reports on self-monitoring work conducted according to the Annual Monitoring Reports specified by the Executive Officer and submit other reports as requested by the Regional Board.
23. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
 - (b) For a partnership, by a general partner;
 - (c) For a sole proprietorship, by the proprietor;
 - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
24. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:
- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true,

ATTACHMENT B

Conditions of Certification File No. 02-197

accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)

(Title)"

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-197** and shall be sent to the attention of the Section 401 Water Quality Certification Staff.

26. Enforcement:

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

27. This certification shall expire five (5) years from date of this Certification. The Applicant shall submit a complete application prior to termination of this certification if renewal is requested.